

REPORT OF THE NEW BRUNSWICK POLICE
COMMISSION INVESTIGATION INTO
THE SHIPPAGAN POLICE FORCE

89-02092/

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POLICE COMMISSION REPORT

1.0 INTRODUCTION

1.1 ORIGIN OF REQUEST

On April 5, 1988, Mr. Jean-Camille DeGrâce, Mayor of the town of Shippagan, asked the New Brunswick Police Commission to audit the management and operations of the Shippagan police force. The New Brunswick Police Commission received and agreed to this request.

On or about April 22, 1988, the New Brunswick Police Commission received several complaints from citizens of the town of Shippagan. The complaints all contained allegations of unacceptable behaviour or the use of suspect police procedures by the Chief of the Shippagan police force, Mr. Maynard Roy.

On April 26 and 27, 1988, the New Brunswick Police Commission carried out an audit of the management and operations of the Shippagan police force. During the audit, the Commission also began a preliminary investigation into the complaints against Chief Roy.

On May 16, 1988, Mr. Riley, then Chairman of the New Brunswick Police Commission, wrote to Mrs. Kathleen McGrath, Chairman of the Shippagan Police Committee, to inform her of the conclusions of the audit. In the letter, Mr. Riley told Mrs. McGrath that solving the problems in the police force would require more than an audit. Mr. Riley recommended that a public inquiry be held pursuant to section 22 of the Police Act, R.S.N.B., 1973, c. P-9.2 (see Appendix "A").

On June 1, 1988, Mr. Fernand Robichaud, Shippagan town manager, filed a request with the New Brunswick Police Commission asking that a public inquiry be held into the situation in the Shippagan police force (see Appendix "B").

1.2 ORGANIZATION

The New Brunswick Police Commission agreed to hold a public inquiry into the Shippagan police force. The Commission then retained the services of Mr. André G. Richard, who was to act as the Commission's legal counsel during the public hearings.

A public notice inviting interested residents to testify at the public hearings was published in the August 16, 18 and 24, 1988, editions of L'Acadie Nouvelle, the weekly newspaper in the Acadian Peninsula (see Appendix "C").

1.3 PUBLIC HEARINGS

Pursuant to paragraph 22(4)(b) of the Police Act, R.S.N.B., 1973, c. P-9.2, the New Brunswick Police Commission held a public inquiry into the Shippagan police force. Public hearings were held on September 7, 8, 13, 14, 15, and 16 and October 3, 4, 5, 6, 7, 25, 26, 27, 28 and 29, 1988. The hearings were all held in the Shippagan municipal building.

The public inquiry was conducted under the chairmanship of Mr. Justice Adrien J. Cormier, Chairman of the New Brunswick Police Commission and a judge of The Court of Queen's Bench of New Brunswick. The Commission accepted 22 depositions and 96 documents as evidence.

The following counsel appeared: Mr. André G. Richard for the Commission, Ms. Diane Bourque for the Canadian Union of Public Employees Local 2505, Mr. Euclide LeBouthillier for Chief Maynard Roy, and Mr. Gérald Lizotte for the town of Shippagan.

During the public hearings, the Commission agreed to hear depositions on any matter whether directly or indirectly related to police operations and administration in the town of Shippagan. The Commission was particularly interested in problems of communication, supervision, administration, relations with the town council, relations with the public, and the general efficiency of the Shippagan police force.

The Commission attempted to observe the spirit of section 8 of the Inquiries Act, R.S.N.B., 1973, c. I-11, which stipulates:

The commissioners may hear and accept any relevant evidence even though it is not admissible under the rules applying to trials in The Court of Queen's Bench of New Brunswick.

(See also the opening statement by Mr. Justice Cormier at the public inquiry: Appendix "D")

1.4 WITNESSES

The witnesses who testified at the hearings can be categorized according to their status:

a) citizens: Noëlla Breault, Wilbert Duguay, Fernand Hébert, Doreen Goupil, Valoi Goupil, Melinda Haché, Laurent Mallet, and Cedric Power;

b) municipal administrators: Eloi Haché (clerk), Fernand Robichaud (administrator), Kathleen McGrath (Chairman of the Shippagan Police Committee and municipal counsellor), and Jean-Camille DeGrâce (Mayor of the town of Shippagan);

- c) physicians: Dr. Bertin Lacroix and Dr. Louis-Marie Gauthier;
- d) former police officer: Conrad Duguay (former Chief of Police of the town of Shippagan);
- e) police officers: Albert Goupil, Sylvain Hébert, Raymond Jean, Sergeant Clarence Mallet, Corporal Jean-Marc Mallet and Chief Maynard Roy;
- f) police administration: Antoinette Mallais (secretary of the Shippagan police force).

2.0 LOCAL CHARACTERISTICS

2.1 COVERAGE AREA

The town of Shippagan is located in the north-easternmost tip of New Brunswick, commonly referred to as the Acadian Peninsula. Incorporated as a village in 1947, Shippagan became a town in 1958, which made it the second town in Gloucester County.

The relief and physical conditions of the town are of no particular interest as far as their influence on the number and nature of police interventions is concerned.

2.2 POPULATION

The current population of the town of Shippagan is approximately 2 800.

2.3 ECONOMIC AND SOCIAL CHARACTERISTICS

Fishing is the largest industry in the Shippagan area. The town has become one of the most important fishing centres in the province of New Brunswick.

The peat moss industry in the Shippagan area has undergone considerable development over the past 30 years. The vast plains surrounding Shippagan are rich in mineral deposits.

In addition to these two industries, there is also the Centre Universitaire de Shippagan (a campus of the Université de Moncton), which allows many students from the area to pursue a university education.

Shippagan's business sector is also fairly developed. The town has several business establishments, of which the highest concentration is in the downtown core.

2.4 POLICE FORCE BACKGROUND

Shippagan's police department has seven employees: six police officers and one secretary.

Until 1961, Shippagan employed only one police officer--Chief François Hébert. In 1961, the town hired a second officer--Conrad Duguay. He was promoted to chief of the police force in 1963 and held the position until the fall of 1985.

Between 1963 and 1978, the following officers joined the force: Clarence Mallet (1965), Jean-Marc Mallet (1968), Albert Goupil (1974), Raymond Jean (1978), Sylvain Hébert (1978), and Chief Maynard Roy (1985).

Things ran relatively smoothly at the Shippagan police force until the late 1970's. The force had a good reputation in the community and relations with residents were good. According to Chief Duguay, "the force operated as one big family." The officers, including Chief Duguay, were involved in several local volunteer and community organizations. In addition, the officers were regularly asked to work extra hours, for which they were often not paid overtime. The officers' salaries were generally quite low at this time.

In 1978, the officers in the town of Shippagan formed a union. It was at this time that work scheduling began to cause problems. Overtime claims also increased and the absenteeism rate rose.

Despite the aforementioned problems, the work of the police force continued to be carried out in an acceptable manner. The atmosphere within the force was good. Chief Duguay, Sergeant Mallet and the members of the force met regularly, which no doubt contributed to maintaining good relations and to ensuring a degree of efficiency, which at the time was considered acceptable.

In the spring of 1981, the officers went out on an illegal strike and relations within the force deteriorated considerably (see Chapter 3). Even after the illegal strike was over, relations between the chief and the officers remained strained.

In 1984, during contract negotiations with the town of Shippagan, the officers went out on a legal strike. This strike did not seem to cause any particular problems.

In the fall of 1985, Chief Duguay retired. Chief Maynard Roy was hired to replace him in October 1985 (see Chapter 3.2).

2.5 POLICE COSTS AND COMPARATIVE DATA

Statistics compiled by the New Brunswick Department of Municipal Affairs show that the per capita cost of police services in Shippagan is slightly higher than in other municipalities with populations of a similar size.

For analysis purposes, we have compared the data for towns with populations between 2 000 and 3 500.

<u>Municipality</u>	<u>Cost of Police Services</u>	<u>Total Budget</u>	<u>%</u>	<u>Population</u>	<u># of Officers</u>	<u>Cost per Capita</u>	<u>Cost per Officer</u>
Bouctouche	\$147 500.00	959 756	15.37	2 420	3	60.95	49 167
Grand Bay	\$212 767.00	1 165 067	18.26	2 319	4	64.11	53 192
Hampton	\$150 000.00	1 065 169	14.08	3 405	3	44.05	50 000
Saint-Basile	\$224 276.00	1 499 764	14.95	3 306	5	67.84	44 855
Shippagan	\$323 500.00	1 971 200	16.41	2 801	6	115.49	53 917
Cap-Pelé	\$152 409.00	870 389	17.51	2 261	3	67.41	50 803
Minto	\$222 000.00	1 137 018	19.25	3 197	5	69.44	44 400
Saint-Quentin	\$131 906.00	698 298	18.89	2 264	3	50.26	43 969

3.0 RELEVANT EVENTS

3.1 1981 STRIKE

In April 1981, Shippagan's police officers demanded certain improvements to their working conditions. These demands were made at a time when they had an employment contract with the town of Shippagan. To support their demands, the officers all reported in sick. During the hearings, the officers all admitted that they had pretended to be sick. It should be noted that, at that time, each of the officers had a medical certificate from a qualified physician.

During the 1981 strike, one officer encouraged trouble makers to cause problems. In addition, the officers strongly advised the auxiliary police against working. Finally, the officers demanded the resignation of their chief. After these events, the municipality obtained an injunction but it was ignored temporarily by the officers. (For further details on the events of 1981, see Appendix "E").

The officers acted irresponsibly during the events of April 1981. By refusing to obey the injunction granted by Judge Jean, they exhibited a flagrant lack of respect for the New Brunswick judicial system.

When urged to explain the demand for Chief Duguay's resignation during the strike of 1981, some of the officers gave as their reason the interference of administrator Fernand Robichaud in police matters. According to these officers, there was interference in the preparation of fines, in the preparation and administration of the police force's budget, and in work scheduling (work done by Eloi Haché, town clerk). The Commission received no convincing evidence that Fernand Robichaud had interfered inappropriately in police matters. Moreover, Chief Duguay totally rejected the allegations of interference. We would also note that, even if the allegations of interference were justified, demanding the resignation of Chief Duguay would not have solved this supposed problem in any way.

With the exception of Constable Jean, the officers spoke very highly of Chief Duguay, citing his qualities of leadership, communication and organization.

Several officers admitted that the illegal strike and the demand for Chief Duguay's resignation were strictly union tactics. The majority of officers admitted that these tactics had been devised by the union representative, Mr. Stanley Lapointe. Finally, at least two officers said that they disagreed with Stanley Lapointe's recommendations but that they had agreed to go along with the majority.

3.2 HIRING OF CHIEF MAYNARD ROY

After Chief Conrad Duguay retired, the Shippagan municipal council formed a Selection Committee to hire a new chief. The Selection Committee consisted of five members: Mr. François Volpé (Police Commission), Chief Jack Howell (Bathurst), Chief Aubin Albert (Caraquet), Fernand Robichaud (town administrator), and one of Shippagan's municipal counsellors.

The Selection Committee interviewed four candidates: three in person, and Chief Roy by conference call.

Chief Roy said that his interview with the Selection Committee lasted approximately 15 minutes.

After completing Grade 11 at the Assumption Academy High School in Campbellton, New Brunswick, Chief Roy enrolled in the Royal Canadian Mounted Police (RCMP). He did his basic RCMP training in Ottawa in 1958. From 1959 to 1969, Chief Roy was sent to various postings in Prince Edward Island. In 1969, he was transferred to Shippagan. During his time in Shippagan, Chief Roy achieved the rank of corporal. In 1972, he was promoted second in command at the Edmundston, New Brunswick, detachment of the RCMP. Chief Roy said that he left the RCMP in 1973 after refusing to renew his contract. By then, he had done 15 years of service. From 1974 to 1985, Chief Roy worked as an investigator and security guard for various mining companies in northern Quebec and Ontario.

Immediately after he was hired as chief of the Shippagan police force, Chief Roy took a Senior Police Administration Course (SPAC). This is a one-month course offered by the Canadian Police College in Ottawa.

During his testimony, Chief Roy acknowledged that his long absence from police work had placed him at a distinct disadvantage. He admitted to being unfamiliar with the changes made to various provincial and federal legislation and to police procedures since he had left the RCMP, and particularly with the new procedural and administrative requirements resulting from the Canadian Charter of Rights and Freedoms.

It is obvious that Chief Roy's lack of professional knowledge when he was hired contributed to the major problems that later arose in the Shippagan police force. The lack of cooperation by the police officers only exacerbated the problem in the police force.

Sergeant Mallet did not apply for the position of chief. He said that he had intended to apply for the job, but changed his mind after a conversation with a municipal counsellor who allegedly told him that he would get the job if he dismissed a certain constable. Sergeant Mallet testified that he could not agree to such terms.

Constable Hébert did apply for the position of chief. He explained that he had done so on the recommendation of Chief Duguay. His application was rejected by the Selection Committee.

3.3 POLICE ADMINISTRATION (January 1986 to December 1987)

It is obvious that, as a group, the police officers never accepted Maynard Roy as chief of the Shippagan police force. Problems began to arise as soon as he took up his duties.

The problems can generally be attributed to Chief Roy's lack of police knowledge, the lack of cooperation of the members of the force, the lack of communication between the chief and the officers, and a gradual deterioration in the atmosphere at work.

Generally, we would note the following events as examples of the decline in police efficiency:

1. January 1986 - confrontation between Chief Roy and Constable Hébert about a theft;

2. February 1986 - strained conversation between Chief Roy and Sergeant Mallet;

3. April 1986 - lack of coordination in drug raids at the pool hall in Shippagan;

4. January 1986 to December 1987 - lack of police meetings;

5. coordination problems in police investigations;

6. confrontation with Sergeant Mallet about overtime and his personal problems;

7. trouble with Constable Jean regarding his drinking problem;

8. officers' perception that Chief Roy's family and personal life was having a detrimental effect on police force administration and on the reputation of the police force in general;

9. officers' perception that they were under constant "surveillance" by the chief.

On December 8, 1987, Chief Roy called a meeting of the members of the police force. Constable Jean attended this unscheduled meeting, on Chief Roy's orders, but was in a state of inebriation. This caused tempers to flair. During the meeting, Chief Roy provided a series of guidelines: request for reports on high-speed chases; better identification of evidence; better administration of lost and found items; submission to the chief of all complaints received; new procedures regarding mistakes in parking tickets; notice that starting in January 1988 individual statistics would be prepared and published; remuneration for appearing in court; review of 1987 statistics; comments on the role and responsibilities of Mrs. Antoinette Mallais, secretary of the police force.

In view of the prolonged lack of meetings and the strained atmosphere in the police force, the meeting of December 8, 1987, only served to bring things to the boiling point.

3.4 BRIEF

3.4.1 Preparation

After the meeting of December 8, 1987, three of the five officers decided to prepare a brief for submission to the municipal council. The brief was prepared by Sergeant Mallet, Constable Goupil and Constable Hébert. Corporal Mallet and Constable Jean were excluded from the preparatory phase because the authors did not trust the discretion of these two officers.

Corporal Mallet and Constable Jean learned of the brief the day before it was to be submitted to the municipal council. Although they testified that they agreed with the contents of the brief, Corporal Mallet and Constable Jean had very few specific complaints about Chief Roy. Furthermore, their testimony was shorter and more composed than that of the authors of the brief.

Before meeting with the municipal council, the officers met with their union representative. It was during this meeting that they prepared their recommendations to the municipal council. Constable Hébert testified that the union representative again suggested that they demand the immediate temporary suspension of Chief Roy.

3.4.2 Submission

The brief was submitted to Mayor Jean-Camille DeGrâce; the Chairman of the Police Committee, Kathleen McGrath; and Counsellor Roger Haché during a short meeting held December 14, 1987. During the meeting, the officers asked the municipal council to keep the report confidential. The mayor and the municipal counsellors made no such commitment. However, the mayor told the officers that the municipal council would get in touch with them about the contents of the brief within two or three weeks.

At the meeting of December 14, 1987, the report was read in its entirety to the municipal representatives by union representative, Léopold Arsenault. After the brief was read, the officers made the following recommendations to the municipal council:

1. the immediate suspension of Chief Roy for a period of six months; and
2. an investigation by the municipal council into the chief of police.

The day after the brief was submitted, a copy of the brief was given to Chief Maynard Roy. Chief Roy was then called to an emergency meeting by the municipal council. At the meeting, Chief Roy agreed to call an immediate meeting with the officers to discuss the situation and arrange an individual meeting with each officer.

The municipal council never did communicate directly with the officers. This lack of communication between the council and the union is difficult to explain because the council had promised to give the officers its reaction to the brief within two or three weeks of the December 14 meeting. This lack of respect and cooperation recurred when the municipal council did not even acknowledge receipt of a letter dated February 2, 1988, in which Corporal Mallet asked the council to follow up on the meeting of December 14, 1987.

The municipal council's attitude no doubt contributed to sowing uncertainty and confusion in the months following the submission of the brief.

3.4.3 Contents of the Brief

The brief submitted by the officers to the municipal council was divided into five sections:

- A. communication;
- B. professional supervision and respect;
- C administration;
- D. reputation of the police force;
- E. stress.

A. Communication

Each of the parties to the brief aroused considerable interest during the public hearings. Each of the officers, including the chief, had the opportunity to testify on each of the issues.

As one of the officers pointed out during the public inquiry, communication is essential to the smooth operation of any police force. Any breakdown in the channels of communication may

jeopardize the proper administration of the police force and thereby have a direct effect on the quality of police work.

In this instance, communication had been reduced to a minimum since Chief Roy's arrival in Shippagan. The communication problem had spread throughout the force.

The management and administration audits conducted by the New Brunswick Police Commission in 1981, 1984 and 1988 all revealed that it was important for any police force to hold regular meetings. During the audits, the New Brunswick Police Commission recommended that the Shippagan police force increase the number of its meetings. Chief Roy acknowledged that he was aware of these reports. However, he paid no attention to these recommendations. The lack of regular meetings no doubt contributed to destroying any possibility of communication within the Shippagan police force.

The chief of a small police force must be constantly tuned in to his officers to prevent problems or solve them before they become too over-powering. To do this, the chief must meet

regularly with the members of his force. The chief must also be able to evaluate, at least annually, the performance of the members of the police force. Individual meetings and annual evaluations provide the chief with an opportunity to learn about the officers' problems and to tell the officers how he perceives their individual performances.

From the time he arrived in Shippagan, Chief Roy never did personal evaluations of the members of the police force. Individual meetings were held very infrequently.

However, the concept of communication necessarily implies two parties and, if they wish to communicate, they must do so in good faith.

The officers put a minimum of effort into creating an acceptable climate of communication. They often kept quiet about administrative errors committed by their chief, mainly because of his long absence from police work, rather than helping him.

There was no communication between the chief and Sergeant Mallet. According to Chief Roy, Sergeant Mallet was very touchy and had to be treated with white gloves when spoken to. For his part, Sergeant Mallet considered his chief to be incompetent. He also reproached Chief Roy for the family problems the chief had experienced during his stay in Shippagan as an RCMP officer.

B. Professional Supervision and Respect

The chief's lack of professional supervision of the members of the force was demonstrated. Professional supervision should have been provided through meetings with the members of the force, an annual evaluation of the officers, and an audit of the officers' work followed by meetings to discuss the quality of work.

Sergeant Mallet also shirked his responsibilities by leaving supervision totally up to Chief Roy. Sergeant Mallet was second in command at the Shippagan police force. He had received specific

instructions from Chief Duguay as to his role and responsibilities. Chief Roy did not change Sergeant Mallet's responsibilities in any way. Sergeant Mallet must therefore bear part of the blame for the lack of professional supervision.

In their brief, the officers alluded to problems with the work schedule. More specifically, they pointed out the chief's inability to organize a work schedule that satisfied all of the members of the force. An entire chapter of the officers' collective agreement is devoted to work scheduling. It is therefore erroneous to claim that the chief had the power to change the schedule to satisfy the individual requirements of the members of the force. Consequently, all of the complaints about work scheduling lodged against the chief must be ignored.

In addition, no convincing evidence was submitted to support the officers' claims that Chief Roy considered their family lives to be of secondary importance.

C. Administration

With respect to administration, it is obvious that there was little or no discussion, exchange, briefing or team work in the Shippagan police force. These administrative deficiencies were directly related to the lack of communication between the officers and the chief, and among the officers themselves.

Relations between the Shippagan police force and other police forces in New Brunswick were virtually non-existent. It is difficult to imagine how the Shippagan police force could have worked efficiently for two years without the cooperation of or coordination with the RCMP, the Highway Patrol, and other municipal police forces in the area.

The police techniques used by the Shippagan police force are also suspect. For example, the lack of specific guidelines on how to deal with drug informants is incomprehensible. Also, the lack of drug raid procedures no doubt contributed to the police force's problems in identifying evidence.

D. Reputation of the Police Force

It is obvious that the officers themselves have a very poor perception of the work they do. Each of the officers was aware that the quality of work at the Shippagan police force was less than mediocre. One of the officers testified that "he could no longer even consider himself a real police officer." These comments were made in response to a question about the efficiency of police work in Shippagan. Chief Roy seemed to be totally oblivious to the force's deficiencies.

Chief Roy's private life was the subject of gossip, exaggeration and general disapproval by several officers. However, the Commission received no convincing evidence that Chief Roy's private life could have patently affected his professional work. Chief Roy acknowledged having gone through difficult periods, but denied that his problems prevented him from carrying out his duties.

Several officers also alleged that Chief Roy had abused his police vehicle privileges. Insinuations of unacceptable,

ridiculous behaviour are rejected. However, we would note the absence of guidelines for the personal use of vehicles by the chief or the officers.

Chief Roy admitted having used vulgar language when speaking to citizens. He explained that this resulted from the fact that French was not his mother tongue and that he thought such language was acceptable because it was used by some members of society. This is not a convincing explanation and we cannot accept it.

In their brief, the officers alleged that Chief Roy had been dismissed from the RCMP for serious personal problems. The decision not to renew his job contract after 15 years with the RCMP may appear strange. Chief Roy admitted that he had had problems in the RCMP. We find his decision to leave the RCMP after 15 years of service with no other job prospects somewhat perplexing.

Finally, the officers' allegation that an officer should have at least 10 years of experience before applying for the position of chief is unjustified. We recognize that the events that occurred

in Shippagan may tend to support the reasonableness of such a condition. However, no legislation mentions such a requirement.

E. Stress

We recognize that stress is a common problem in all police forces. This being said, there is no specific data or convincing evidence to support the allegation that Chief Roy was blackmailing or verbally threatening the officers.

No evidence was submitted to support the allegation that Chief Roy would yell at the officers without warning in front of the other officers. If an officer violated the code of discipline, it was normal and appropriate for the chief to inform the officer of such violation. Unfortunately, the evidence showed that, rather than discussing the contents of the code of discipline, the chief seemed to use it as means of persuasion to have his points of view accepted by the officers. When a chief refers to the code of discipline, he should indicate the specific breaches of the code to his subordinate. The subordinate will then understand the exact nature of the breach and correct it.

3.5 POST-BRIEF PERIOD

After the officers submitted their brief, the chief held a very short meeting with them. During the month following this meeting, the chief also met individually with each officer. The general and individual meetings did not improve the situation. Indeed, relations and work efficiency only deteriorated further in the months that followed.

From January 1988 to September 1988, the following events occurred:

1. major problems between Chief Roy and Constable Goupil, which resulted in the suspension of Constable Goupil;
2. increase in Constable Jean's drinking problem;
3. very strained relations between Chief Roy and Sergeant Mallet;
4. unprecedented absenteeism due to illness (see Chapter 6);
5. decline in efficiency (see Chapter 4.2);
6. several complaints brought against Chief Roy (see Chapter 5);

7. media reports that the officers were going to strike if the problems in the police force were not resolved;

8. Shippagan residents began to worry about the situation in the police force. The minutes of the municipal council meeting held April 5, 1988, are eloquent proof of this;

9. an audit of the administration and management of the police force did not resolve the problems or even improve things;

10. Constable Goupil was suspended again on September 18, 1988. The grounds and reasons for this suspension remain unknown.

4.0 GENERAL PROBLEMS OF THE POLICE FORCE

4.1 GENERAL TRAINING

The current level of training of the members of the Shippagan police force is inadequate. During the management and administration audit done by the New Brunswick Police Commission in 1981, the Commission recommended that training programs be set up to improve the quality of police services in Shippagan (see Appendix "F").

Since 1981, the municipality has earmarked part of its budget for the vocational training of the members of the police force. Despite repeated advice from the New Brunswick Police Commission and the funding made available to the police force, very little has been done in this area. The result is an underqualified police force where procedural and technical problems have arisen.

4.2 POLICE EFFICIENCY

The performance of the officers in Shippagan has worsened considerably since January 1, 1988 (see Appendix "G"). Statistics show a decrease in police activity in all almost areas where police intervention is discretionary. The general carelessness within the police force cannot and must not be tolerated any longer.

4.3 POLICE FORCE INDEPENDENCE

Some officers testified that it was sometimes difficult to do their work independently because they knew personally many of the citizens of Shippagan.

Such an admission is hardly surprising because the majority of the officers come from large Shippagan families.

5.0 CITIZENS' COMPLAINTS

On or about April 22, 1988, the Commission received six written complaints from citizens. Most of the complaints were dated April 14, 1988. They all contained grievances pertaining to Chief Roy.

It was proved during the public inquiry that each of the six complainants had received help from the officers and the union in typing and directing their complaints to the Police Commission. The complainants were clearly encouraged by the officers to send their complaints to the Police Commission.

During the public hearings, all of the complainants came of their own accord to testify on the contents of their complaints. The Commission wishes to thank and congratulate these citizens.

In addition to these complainants, two other people indicated their wish to testify at the hearings. The Commission agreed to hear their testimony.

Each of the complaints was studied by the Commission. We deemed it necessary to comment on each of the citizen's complaints.

5.1 FERNAND HÉBERT

Mr. Hébert is the president of Les Ambulances de la Péninsule Ltée. His complaint, dated April 1, 1988, alleged the following:

- a) that Chief Roy had publicly and unfairly reprimanded the ambulance drivers for speeding and that, on these occasions, he used vulgar language;
- b) that Chief Roy had refused to discuss the ambulance driver problem in a professional manner;
- d) that Chief Roy had made disparaging comments about Mr. Hébert's ambulance service;
- e) that Chief Roy had harassed Mr. Hébert's employees.

By publicly reprimanding Mr. Hébert, Chief Roy lacked judgment and discretion. His excessive, vulgar language was also unacceptable.

However, Chief Roy had received complaints to the effect that the ambulance drivers were driving their vehicles too fast within town limits. Consequently, it was normal for Chief Roy to discuss the situation with Mr. Hébert and ask him to ensure that the ambulance drivers drove at acceptable, reasonable speeds.

5.2 WILBERT DUGUAY

On April 14, 1988, Mr. Wilbert Duguay filed a complaint with the Police Commission alleging that Chief Roy had unjustly accused him of having committed a theft at Connors Brothers in Shippagan. Mr. Duguay worked and still works as a security guard for that firm.

We have no reason to doubt the truthfulness of Mr. Duguay's testimony to the effect that Chief Roy said to him: "You are a thief, you are a thief. You committed the theft."

Chief Roy had received a complaint from the manager of Connors Brothers about the theft of some tools. The manager had mentioned to Chief Roy that he suspected one of the security guards of having committed the theft. Under the circumstances, it was normal for Chief Roy to interrogate Mr. Duguay. However, the method of interrogation used by Chief Roy leaves much to be desired.

5.3 VALOI GOUPIL

Mr. Valoi Goupil is the brother of Constable Goupil. In his complaint to the New Brunswick Police Commission, he accused Chief Roy:

- a) of not having conducted an adequate investigation into a theft committed at his home on January 7, 1988;
- b) of not having informed him of how the investigation was proceeding.

During his testimony, Mr. Goupil clearly expressed his lack of respect and his contempt for Chief Roy. His disobliging attitude toward Chief Roy no doubt goes beyond the bounds of his complaint.

The thieves caused Mr. Goupil more than \$20 000 in property damage. It was therefore a major theft and offence.

The considerable amount of time that Chief Roy took to conclude his investigation and file his report remained unexplained. Consequently, Chief Roy appears to have lacked diligence by not proceeding more quickly in this matter. In early February, Chief Roy had all the information needed to lay charges, but did not file a report until May.

Secondly, Chief Roy testified that, under modern police procedures, crime victims must be informed as to how any police investigation affecting them was proceeding. In this instance, Chief Roy should have informed Mr. Goupil as to how the investigation was proceeding, which he did not.

5.4 NOELLA BREAUT

In her complaint to the Police Commission, Mrs. Breault alleged that she had surprised the chief in the company of a woman in an secluded place. She said that this was an example of Chief Roy's unacceptable behaviour and that he was giving the Shippagan police force a bad name.

During her interrogation, Mrs. Breault could not identify the woman with Chief Roy nor could she positively state that the person was in fact a woman. Her only indication of the sex of the person in the car was the length of the person's hair.

Chief Roy testified that he remembered the incident reported by Mrs. Breault. He stated that he was having a secret meeting with an informant and that that was why the person in question hid when Mrs. Breault approached.

Under the circumstances, Mrs. Breault's complaint cannot be accepted nor can we conclude that Chief Roy acted in a reprehensible manner.

5.5 CEDRIC POWER

Mr. Power complained that he had been treated unfairly by Chief Roy when the chief took away his driver's licence for a 24-hour period. The incident occurred on December 12, 1987.

In this instance, Chief Roy used his discretionary power to take away Mr. Power's driver's licence for a 24-hour period without requiring that he take a breathalyzer test. On December 12, 1988, the chief observed that Mr. Power was driving his vehicle in a suspect manner. After stopping him, Chief Roy noticed that Mr. Power's breath smelt of alcohol. On the basis of these observations, Chief Roy decided to take away his driver's licence for 24 hours.

Under the circumstances, the reason for Mr. Power's complaint escapes us. Mr. Power no doubt had other reasons for having a grudge against Chief Roy. Mr. Power is a friend of Constable Goupil. In addition, Mr. Power, while in the company of Constable Goupil, had been accused of not wearing a safety helmet when driving a snowmobile.

5.6 DOREEN GOUPIL

Mrs. Doreen Goupil complained to the Police Commission about an incident that occurred on June 12, 1987, at her business "Carmel Fleuriste." On that day, two unknown persons entered her store. One of the two pointed a gun at Mrs. Goupil's daughter. After a short conversation, it became apparent that the gun was not real. The two people then laughed and ran off. Mrs. Goupil immediately telephoned the police. These events deeply upset Mrs. Goupil and her daughter.

After the incident, Mrs. Goupil was never informed of how the investigation was proceeding. After a while, Mrs. Goupil complained that Chief Roy was paying little attention to her complaint.

In a letter dated October 9, 1987, Chief Roy apologized to Mrs. Goupil and explained why he had not gone to her store after the incident. During her testimony, Mrs. Goupil said that she was satisfied with Chief Roy's apology and explanations.

Chief Roy's letter to Mrs. Goupil was inappropriate under the circumstances. Consequently, it is unnecessary to elaborate further on this complaint.

5.7 EXCESSIVE FORCE

On April 14, 1988, Corporal Jean-Marc Mallet, acting as union representative for the officers in the Shippagan police force, filed a complaint with the New Brunswick Police Commission alleging that Chief Roy had used excessive force during an incident that occurred on August 15, 1986.

On the morning of August 15, 1986, Constable Albert Goupil was taking a prisoner's fingerprints. The prisoner was not being very cooperative. A counter separated the prisoner from Chief Roy, who was on the telephone. The prisoner started to make rude remarks to Chief Roy, who lost his patience. He grabbed the prisoner by the head, pushed him part way under the counter, and pressed his face several times against his metal name badge on his shirt. The impact was hard enough that the prisoner started to bleed.

Chief Roy admitted that the abovementioned facts were true. The differences in the testimonies of Chief Roy, Constable Goupil and witness Laurent Mallet as to how the incident unfolded are minimal. It is obvious that Chief Roy used excessive force against the prisoner.

5.8 MELINDA HACHÉ

Mrs. Haché complained that Chief Roy had been slow in answering a call and that he had supposedly allowed someone to hit her truck. We recognize that Chief Roy was a bit slow in arriving at the place where the incidents that led to the complaint took place. We would point out, however, that Chief Roy seems to have acted reasonably under the circumstances by trying to calm down the person who was bothering Mrs. Haché.

Because of the special nature of the events described by Mrs. Haché, the fact that legal proceedings are still under way and the doubtful credibility of those involved, we prefer to let the courts settle this dispute.

6.0 ILLNESS

6.1 1981 STRIKE

The officers all testified to having obtained medical certificates from qualified physicians during the illegal strike of 1981. All of the officers, with the exception of one, admitted that they had pretended to be ill during the strike.

In this instance, we would note that it seemed fairly easy to feign tiredness, depression and general fatigue in order to obtain a medical certificate from a physician.

6.2 SITUATION IN 1988

In 1988, there was a high rate of absenteeism due to illness in the Shippagan police force. The following table shows the extent of the problem:

	<u>SICK DAYS</u>	
	<u>1987</u>	<u>1988 (as of July 31)</u>
Clarence Mallet	4	52
Jean-Marc Mallet	1	17
Albert Goupil	27	31
Raymond Jean	9	26
Sylvain Hébert	12	14

Some of this sick leave was entirely legitimate: Constable Hébert's operation, Sergeant Mallet's traumatic bursitis. It is normal for some sick leave to be taken every year. However, some of the sick leave taken in 1988 was unjustified.

For sick leave to be justified, especially if it is of long duration, the physician should be able to support his leave order with clinical, objective data. Without such data, it is often difficult to accept fully the conclusions of a family doctor.

In this instance, Constable Goupil's case was particularly suspect. His long sick leave, which immediately followed his disciplinary leave of 39 working days, began in the middle of the crab fishing season. It was proved that Constable Goupil had begun working during his disciplinary leave as a crew member on his brother Valoi's crab boat, and that he continued this work until the end of the season. Under these circumstances, the Commission has doubts as to the legitimacy of the sick leave granted to Constable Goupil.

For a period of time in June 1988, Chief Roy had to work alone because the other officers were ill or on leave. We would point out the determination and good will of Chief Roy in assuming full responsibility for the force during this difficult period.

We cannot, however, ignore the fact that such an absenteeism rate is unacceptable. It is fortunate that no major incidents occurred in the municipality during these long periods when the police force was extremely understaffed.

7.0 CONCLUSIONS AND RECOMMENDATIONS

We thank all those who testified during the hearings. Without their testimony, it would have been impossible to grasp fully the nature and extent of the problems in the Shippagan police force.

We commend the professionalism of the lawyers involved in this public inquiry. Because of their courtesy, suggestions and cooperation, the Commission was able to conduct this public inquiry openly and efficiently.

7.1 HIRING OF A CHIEF

A police chief has major responsibilities. Subsection 10(3) of the Police Act, previously cited, stipulates that:

The chief of police is the chief executive officer of the police force and shall have all necessary powers to manage and direct the police force to fulfill the responsibility of the municipality to provide and maintain adequate police services in the municipality in accordance with this Act and the regulations.

Choosing a police chief is one of the most important decisions that any municipal council has to make. A good police chief must have many qualifications. On this point, author Brian A. Grosman writes:

A more moderate view, from basically the same perspective, of what constitutes the best leadership style emphasizes the decisive nature of the leadership role that a Police Chief must play. Not only must he be the chief decision-maker, but he is the central thinker and planner for the total police organization. He has the key responsibility for directing, controlling, coordinating, and evaluating the group members' actions and competence. He sanctions inadequacy and rewards efficiency. This type of leadership style is primarily task-oriented. It is directed toward performing the tasks and accomplishing the police mission. It relies heavily upon operating instructions, like detailed police manuals. There is clearly a right way of performing "according to the book" and the wrong way, which risks penalties. Police leadership can monitor performance by an insistence that step-by-step procedures be closely followed. This kind of highly programmed and structured task-orientation of a police organization, combined

with emphasis on supervision and control over police behavior at every step, characterizes traditional police administration.

There is, however, another style of leadership, represented by the human relations approach, which suggests that the leader is most effective when he can rely on and stimulate the creativity, imagination and willing cooperation of his men. He does this most effectively when his men participate in the decision-making process and even to some extent in the selection of the action to be taken. The leader, under these circumstances, maintains his position as a result of good interpersonal relations rather than reliance upon the authority attached to his position in the police hierarchy. Thus, the leader's job becomes one of direction, channelling, guiding, refereeing, timing and coordinating the work of the different groups within the organization.

A leader who is most competent as a task leader is not usually the kind of person who emerges as the most effective interpersonal leader. In many police organizations both kinds of leaderships exist. In these situations, interpersonal and expressive matters tend to be dealt with by the Police Chief, whereas the more mechanical, instrument and task-oriented activities become the prime concern of a Deputy-Chief or Superintendent in charge of operations.

Grosman, Brian A., Police Command: Decisions & Discretions (Toronto: MacMillan of Canada, 1975,) p. 10.

In this instance, the procedure used to hire Chief Roy appears to us to be deficient. It is difficult to understand how Chief Roy could have been hired after only one 15-minute telephone interview.

The evidence showed that Chief Roy was not the Selection Committee's first choice. This might explain why his interview was so short. However, before Chief Roy was hired, the municipal

council should have required a meeting and letters of recommendation from the RCMP.

Chief Roy did not have the qualifications needed to run the Shippagan police force. He himself admitted that he was totally unfamiliar with new police techniques and legal requirements.

Chief Roy's shortcomings and ineptitude resulted in a substantial decrease in the officers' performance, increased communication problems, a flagrant lack of coordination, and a substantial decline in the morale of the officers.

We do not think that Chief Roy can continue in his present duties for a long period of time.

We would point out the lack of a formal employment contract between Chief Roy and the municipality. This may in part explain the uncertainty of the officers, the chief and the municipal council on points such as the personal use of motor vehicles. We think that any police chief should be hired under a written contract.

New Brunswick legislation stipulates that any person who achieves the position of police chief must have successfully completed the Senior Police Administration Course. As Grosman's comments indicate, this should be only a minimum requirement. Municipalities must establish and draw up a list of qualifications and skills that a police chief must have and make these criteria known to the Selection Committee.

7.2 UNION ACTION

Officers in Shippagan worked for fairly low pay for several years. Unionization greatly helped in improving their salaries. Officers are entitled to be well paid for their work. We reject any suggestion that the officers were overpaid.

It is normal for disputes about the interpretation of the collective agreement to arise from time to time. In addition, events that lead to breaches of the code of discipline may occur, and officers may occasionally have grievances or complaints about

breaches of the code of discipline. Any grievances or complaints that officers may have about their employer, their chief or a colleague should be dealt with in accordance with the procedures in their collective agreement or with the regulations established under the Police Act, previously cited.

In Shippagan, the officers, on the advice of their union representative, preferred to follow a different procedure. If the officers had presented their complaints or grievances in accordance with established procedures, some of the problems might have been resolved as they occurred, thereby avoiding having the situation degenerate into a veritable crisis.

A union's demanding the resignation of a police chief to pressure the municipal council into providing better working conditions is not an acceptable bargaining technique. In this instance, the union acted irresponsibly in 1981 when it demanded the resignation of Chief Duguay. In 1987, the officers should have followed procedures prescribed in the collective agreement and in the regulations established under the Police Act, previously cited.

Unions must ensure the well-being of their members. This union responsibility does not, however, allow unions to interfere in the management and administration of police matters.

7.3 SHIPPAGAN POLICE FORCE

The members of the Shippagan police force never fully accepted the appointment of Chief Roy. Problems began to arise right from the beginning of Chief Roy's mandate.

The problem of accepting a new chief often occurs in municipal police forces. This is even more true when the new chief is a former member of the RCMP. Grosman, in his previously cited book, makes the following remarks on this subject:

In Western Canada, the selection of external police leadership for municipal police departments has relied heavily on ex-RCMP officers. A common set of values has developed as a result of similar training and background of Chiefs who are products of the training provided by the Royal Canadian Mounted Police. The status of a senior officer in the RCMP is considerable among small municipal councils engaged in the selection process. These senior officers have about them a sense of incorruptability as well as a certain rigidity in their approach to the discipline and management of a police force that has appealed to municipal selection committees in the past. The average citizen's attitude towards the RCMP has been one of admiration and respect. The officer, on arrival, gains immediate status within the community.

A Superintendent of Police confirms this tendency: Municipal police forces like to employ senior RCMP officers as Chief, Constable. First, because there's a certain mythology about the efficiency of the RCMP; secondly, RCMP officers get pensions early and at fifty years of age are receiving a pension and are happy with less as a municipal salary... At the same time, an early pension gives an RCMP officer more independence as a municipal police officer who has reached the same age.

If the appointment is from outside the department, the new Chief must cope with all the promises and obligations that the former Chief made to the men and to the community. If he fails to respect these obligations, conflict may easily arise within the police department after his appointment. Resistance to the new leader's attempt to change the organization by emphasizing his own command or by redefining the character of the organization can be expected.

The officers never accepted Chief Roy. The communication problems between Chief Roy and the officers surfaced quickly and only increased over time.

The training of the members of the Shippagan police force is deficient to the point where the officers can no longer adequately meet the current needs of the community.

The communication problems between the officers and Chief Roy are insurmountable. The police hierarchy is not being respected. Sergeant Mallet and Corporal Mallet do not seem to have any more

responsibility than the constables. Within the police force, they identify with the position of their colleagues. This may be attributable in part to the fact that the police force has only one bargaining unit. One author recently described this problem as follows:

Another characteristic specific to police departments is that all of the officers, with the exception of the director and some of his immediate colleagues, are part of the same brotherhood and the same bargaining unit. Over the years, these police brotherhoods have become active, militant unions and the members are aware of the impact of their strength during bargaining and the renewal of collective agreements. Officers and middle management, because they are part of the same unit as their subordinates, consolidate even further the strength of the union and its influence on management, police operations and services to citizens. Under these conditions, very little is required to provoke an authority crisis in a police department and transfer official leadership from police management to the union leaders.*

Vignola, H.-P., (1984) 17 Criminologie 127, page 128.

It is unthinkable for officers to ignore federal, provincial and municipal laws and regulations. The illegal strike of 1981 and the officers' refusal to obey an injunction granted by The Court of Queen's Bench were unfortunate, unacceptable events. The refusal of

* Translation provided by the Bureau

an officer to wear the protective helmet prescribed for snowmobilers is unacceptable. The evidence showed at least one case of fabrication of evidence by one and possibly two officers. Finally, one case of impaired driving by an officer was reported. Such a state of affairs is totally unacceptable. Police officers must set a good example as far as respect for legislation and legal authority is concerned.

From January 1988 to September 1988, the problems took on alarming proportions (see Chapter 3.5). The animosity, lack of communication, decline in job performance, and absenteeism rate reached such levels that police work in Shippagan was not carried out in an acceptable manner.

We are forced to conclude that the Shippagan police force is no longer able to provide adequate police services to residents.

7.4 RECOMMENDATIONS

We recommend that the Shippagan municipal council take immediate steps to replace their police force. We therefore recommend that the Lieutenant-Governor in Council of New Brunswick intervene pursuant to subsection 5(1) of the Police Act, previously cited.

In view of the extent of the problems and the fact that a limited number of on-duty officers is required, we recommend that the municipality try to acquire police services from the Royal Canadian Mounted Police, with the agreement of the Solicitor General.

This internationally reknowned police force should be able to restore quickly essential police services to the town of Shippagan.

The RCMP is a highly qualified, disciplined police force. The constant, regular audits by senior officers ensures coverage in

emergencies and during complicated inquiries. The regular force is continuously informed of new police techniques. Finally, the mobility of its members minimizes the possibility of local influence. For all of these reasons, we recommend that municipal and provincial authorities try to obtain RCMP police services.

We are of the opinion that, as the RCMP is taking over provincial policing operations and is already providing police services in the neighbouring municipality of Lamèque, it should be possible to come to a satisfactory arrangement with RCMP management and the Solicitor General of Canada without too much of an increase in the manpower already scheduled for this area of New Brunswick.



8.0

LIST OF APPENDICES

- A. Letter from Mr. Riley to Mrs. McGrath, dated May 16, 1988.
- B. Letter from Mr. Robichaud to the New Brunswick Police Commission, dated June 1, 1988.
- C. Public notice.
- D. Mr. Justice Cormier's opening statements.
- E. Letter from Mr. Robichaud to Mr. Kilburn, dated April 27, 1981.
- F. Excerpts from the report (1981) of the New Brunswick Police Commission on the efficiency of the Shippagan police force.
- G. 1987 and 1988 performance statistics for the Shippagan police force.

Appendix "A"

May 16, 1988

Mrs. Kathleen McGrath
Chairman
Police Committee
Town of Shippagan
P.O. Box 280
Shippagan, N.B. E0B 2P0

Dear Mrs. McGrath:

During the course of our audit of the Shippagan police force, conducted April 26 to 28, 1988, we began a preliminary investigation into the complaints against the Police Chief, Mr. Roy, and the other members of the force. Our investigation showed that the problems in your police force were too numerous and serious to be resolved by an investigation or a review of police force management.

Such procedures do not oblige anyone to cooperate with the investigator or to tell the truth even if they do cooperate. I am therefore of the opinion that the only way to reach a satisfactory solution to your problem is to hold an investigation pursuant to section 22 of the Police Act. Witnesses can then be subpoenaed to appear and all testimony will be recorded under oath.

Yours truly,

R. G. RILEY
Chairman



APPENDIX "B"



APPENDIX "C"

NOTICE

Pursuant to section 22 of the Police Act, the New Brunswick Police Commission is investigating the Shippagan police force.

As part of this investigation, the Commission will hold public hearings starting September 7, 1988, in the Provincial Court in Shippagan.

Any persons wishing to testify at the hearings are asked to send their name, address, telephone number and a short summary of their complaint to:

Mr. Henry E. LeBlanc
Executive Director
New Brunswick Police Commission
98 Prospect Street
Fredericton, N.B.
E3B 2T8



APPENDIX "D"

POLICE COMMISSION,
POLICE UNION (C.U.P.E.)
CHIEF MAYNARD ROY,
MUNICIPALITY OF SHIPPAGAN.

COMMISSIONER OF THE INQUIRY: Mr. Justice Adrien J. Cormier
DATE: September 7, 1988
PLACE: Shippagan, New Brunswick
APPEARANCES: Mr. André Richard for the Police
Commission;
Ms. Diane Bourque for the Union;
Mr. Euclide LeBouthillier for
Chief Maynard Roy;
Mr. Gérald Lizotte for the
municipality of Shippagan.

10 a.m.

COMMISSIONER: For the purposes of this inquiry, the Police
Commission consists of myself, Mr. Justice Adrien Cormier.
For those who do not know me, I am the Chairman of the New
Brunswick Police Commission. Under section 22 of the Police
Act, the Commission can investigate the situation in any
police force at the request of a municipal council. After
certain preliminary action was taken and information collected
on operations at the Shippagan police force by my predecessor
at the Commission, the municipal council submitted a written
request, dated June 1, 1988, asking that a public inquiry be

held. Last June 15, I met right here with the mayor of the municipality, the Chairman of the Police Committee, the chief of police and the union representative, and I informed them of my intention to hold a public inquiry as soon as possible. The Commission published a notice that it was going to hold an inquiry starting September 7, 1988, in L'Acadie Nouvelle on August 16, 18 and 24, 1988. Under section 33 of the Police Act, the Commission is vested with the powers and immunity of a commissioner appointed under the Inquiries Act. This act is called the Loi sur les enquêtes in French. Under this act, any person who testifies at a court of inquiry has the same responsibilities and privileges as a witness in the superior court of New Brunswick--The Court of Queen's Bench. When an inquiry has been carried out pursuant to the preceding sections, the Commission must submit to the Solicitor General a written report on its findings and any recommendations. A copy of the report will be provided to the parties involved. I wish to point out that this is not a trial. Our job is not to judge or condemn anyone as is the case during a criminal trial. Our job is to identify problems in the police force, if there are any, and to find the causes, if possible. We are

now ready to begin and we will first ask for the names of the lawyers so they can be recorded in the file.

MR. RICHARD: André Richard for the New Brunswick Police Commission.

MR. LIZOTTE: Gérald Lizotte for the town of Shippagan.

MS. BOURQUE: Diane Bourque for CUPE Local 2505 and the police officers.

MR. LEBOUTHILLIER: Euclide LeBouthillier for the Chief of the Shippagan police force, Maynard Roy.

COMMISSIONER: Very good. Mr. Richard, if you are ready.



ANNEXE "E"

VILLE DE SHIPPAGAN



TOWN OF SHIPPAGAN

1981 04 27

Mr. Carmen J.H. Kilburn,
Commissioner/Deputy Minister,
New Brunswick Police Commission,
98 Prospect Street West,
Fredericton, N.B.
E3B 2T8

Dear Mr. Kilburn,

Persuant to section 26 (1) of the Police Act, the Council of the Town of Shippagan would like to have an investigation carried out by the Police Commission into the actions of Corporal Jean Marc Mallet and Constable Raymond Jean during the Shippagan Police Problem.

I am enclosing, for your information, a detailed resume of the activities leading to situation and actions of the two members concerned.

Council would appreciate guidance into justification for disciplinary action if necessary.

Thank you for your kind attention.

Yours truly,

[Signature]
F.J. Robichaud,
Town Administrator.

FJR/eh
Enclosures

On February 10, 1981, I received a letter dated February 6, 1981 addressed to the Town of Shippagan attention of the undersigned and signed by Laurie Losier, president Local 1470 C.U.P.E. requesting the re-opening of the present collective agreement which expires May 31, 1982 to negotiate the salary clause. The letter also stated that the employees of the Town of Shippagan were the lowest paid in the province. I verified with the administrators of the Towns of Caraquet and Tracadie and they stated that they had received an identical letter with the exception that it stated that the employees of Caraquet and Tracadie were the lowest paid in the province. The letter requested a reply within a 10 day period. I acknowledged receipt of the letter on February 17th stating that the matter would be brought to the attention of the Town Council at their next regular meeting on March 2, 1981.

At the Council meeting of March 2, 1981, I was requested by Council to calculate a salary adjustment for our employees, retroactive to January 1, 1981, taking into consideration the cost of living increase over the past year. This was prepared and presented to a committee of the whole meeting April 6, 1981. In the meantime the police committee held at least four meetings with the police force and assured them of its support in arriving at a salary adjustment.

At the monthly meeting of council held April 6, 1981, the chairman of the Police Committee in his report indicated that council would obtain legal council the next day to assure that the offer of a salary increase would not controvene Section 3 (3) of the Industrial Relation Act due to the fact that the Police had applied for certification to a new local comprising the police forces only of the three towns of Caraquet, Tracadie and Shippagan. The members of the Shippagan police force were present at the public council meeting and upon hearing that a legal opinion would be obtained to justify our offer left the chambers creating a noisy disturbance by stamping the feet in the stairway.

After the meeting, at approximately 10:00 p.m., I proceeded to a hockey game at the Recreation Centre. I met the Chief of Police, Conrad Duguay, and he informed me that it appeared as if there would be no members on duty for the midnight to 8:00 a.m. shift, as Sgt. Mallet requested to be driven home, being ill, and that Constable Raymond Jean claimed that his eight hour shift ended at midnight and he could not extend his shift beyond eight hours. Constable Sylvain Hébert was at this time on vacation and Corporal Jean Marc Mallet and Constable Albert Goupil were not available. The Chief left the office shortly before midnight and thereafter there was no one on duty until 7:30 a.m. when

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he returned. Constable Raymond Jean was heard by councillor Raoul Mauzerolle telling a well known peace disturber at the Recreation Centre "You will be well after midnight there will be no police on duty". Things were quiet in town during the night as the public was not aware that the police were not on duty.

The next morning, April 7, 1981, at approximately 10:30 a.m. Sgt. Clarence Mallet came into my office and handed me a medical certificate signed by Dr. J.D. Gauthier stating that he was sick and would be at rest for a period of from 4 to 6 weeks. Sgt. Mallet at this time inquired as to the number of days of accumulated sick leave to his credit. At approximately 11:30 a.m. Constable Raymond Jean handed me a medical certificate signed by Dr. J.M. Michel stating that his state of health would not allow him to return to work for an indefinite period.

At approximately 1:30 p.m. constable Sylvain Hébert, who was at the time on vacation until April 9, 1981, appeared with a medical certificate signed by Dr. E. Landry stating that he would return to work on April 15, 1981.

At Approximately 3:00 p.m. Corporal Jean Marc Mallet and Constable Albert Goupil handed in medical certificates signed by Dr. L.M. Gauthier both stating that they were totally disabled and would be so from April 7, 1981 to April 25, 1981 and to be reconsidered on this date. The police force was thus left with only one member being the Chief Conrad Duguay.

Things were quiet and normal in town during the night of April 7th as the public was not yet aware that the entire force had reported sick. Constable Raymond Jean had been using a town registered revolver which had been loaned him by the Chief. As Chief Duguay was now patrolling at night, April 7, 1981 he called constable Jean and asked that the revolver be returned. Constable Jean indicated that he was too sick to bring the revolver to the office. Chief Duguay offered to go to his home to pick it up. Constable Raymond Jean replied, " You may come over but I want say how you will be received, I am depressive." Chief Duguay did not go himself but asked the O.C. of the R.C.M.P. detachment to intervene.

The O.C. on April 8, 1981 sent one of his men to Constable Jean's home to pick up the revolver and return it to Chief Duguay. The next night April 8, 1981, was very noisy around the shopping mall parking lot and on the main highway and one vehicle lost control and struck a building under construction at the mall. From April 9, 1981 to April 15th, 1981 inclusive, traffic returned to normal as the chief of Police patrolled

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the streets until 1:30 or 2:00 a.m. each night.

April 7, 1981, council met at 7:00 p.m. to consider its position and the mayor contacted Deputy Minister of Justice Gordon Gregory who assured R.C.M.P. assistance if the Chief of Police required back-up in an emergency situation. This was confirmed by letter April 8, 1981.

The Chief of Police asked members of the Shippagan auxilliary police if they were willing to remain in the town administration office during the night to answer phone calls and relay important messages to him after he had returned home. They provided this service for three nights April 7th, 8th and 9th but were continuously harassed by anonymous calls when answered the party would hang-up. Constable Raymond Jean called one member of the auxilliary answering calls and told him that he could not work for the police force without supervision by the regular member. This auxilliary being an employee of the N.B. Electric Power Commission, was also reported to his local union representative and had to cease providing us with this answering service. Another person was hired to continue until the morning of April 16th.

On the morning of April 8, 1981, Corporal Jean Marc Mallet was quarelling on the premises of the Restaurant Le Marinier and the owner of an adjoining service station Fernand David filed a complaint to that effect with the Chief of Police. All members of the force who had reported sick were seen driving their vehicles in town during their stoppage. In the afternoon of April 8, 1981 a meeting was held in our solicitor's office at which attended our representative lawyer Gerald Lizotte, Mayor Jean Chiasson, Town Administrator Fernand Robichaud, Police representative Constable Raymond Jean and C.U.P.E. representative Stanley LaPointe. It was at this meeting that we were first told that a problem existed between the Chief of Police and his staff. Constable Jean stated "The Chief of Police makes us sick and we want his dismissal, we will not return to work under his direction".

I told Constable Jean that the town council had requested a study of the force by the Police Commission and that this may bring out any differences that may exist. Constable Jean replied "That will not resolve any problem as Mr. Kilburn is a friend of Chief Duguay, he stayed at his cottage last summer". The town representatives offered to arrange a meeting with the policemen, Chief Duguay, C.U.P.E. representative, Stanley LaPointe, our solicitor, Gerald Lizotte, Mayor Jean Chiasson and administrator Fernand

4/.....

Robichaud for 4:00 p.m. April 14, 1981 to discuss the problem and attempt to arrive at a satisfactory solution. We requested a reply from the policemen before 11:00 a.m. April 9, 1981 to the effect that in the meantime they would return to work and that they would be willing to meet with the Chief and our representatives, otherwise an application would be made to a judge of the Queen's Bench of New Brunswick for an interim injunction to order them back to work. No reply was received by noon April 9, 1981 and our solicitor proceeded with the preparation of the application for injunction. The injunction ordering the men to return to work, copy of which is attached, was signed by judge Bernard Jean on April 9, 1981 and served by the County Sheriff on April 10, 1981. This order was ignored by the 5 members of the force. The Plaintiff and the defendants were summoned before the sitting judge Bernard Jean for 1:00 p.m. April 13th to show cause why the injunction should either be extended or cancelled. Lawyer Gerald Lizotte, Town Administrator Fernand Robichaud, Mayor Jean Chiasson and Deputy Mayor J.G. Rioux appeared on behalf of the Plaintiff and Lawyer George Chiasson and C.U.P.E. representative Stanley LaPointe on behalf of the defendants. Upon hearing Gerald Lizotte solicitor for the Plaintiff and upon hearing evidence from Fernand Robichaud and Jean Guy Rioux, Administrator and Deputy Mayor of the Town of Shippagan respectively, Judge Bernard Jean of the Queen's Bench of New Brunswick ordered and granted an injunction restraining the Defendants from participating in an illegal stoppage of work or strike and restraining them from continuing to obtain from working in violation of the terms of their collective agreement with the Town of Shippagan dated June 8, 1979. The order valid for a further period of 4 days was served on the members of the force at approximately 1:00 p.m. April 14, 1981.

On April 15th 1981 at approximately 2:00 p.m. C.U.P.E. representative Stanley LaPointe, Constable Raymond Jean, independant person Ghislain DeGrace, our solicitor Gerald Lizotte and Town Administrator Fernand Robichaud met at the Knights of Columbus Hall, Shippagan. Lawyer Lizotte explained to constable Jean and C.U.P.E. representative the seriousness of ignoring the injunction and of the possible consequences. It was there that we were told by Constable Raymond Jean that there was no problem with Chief Duguay but before returning to work they would insist on the following conditions;

...../5

5/.....

Firstly a written commitment from the Town that the police would receive salary parity with the Town of NewCastle (neither they nor the Town authorities had a copy of the NewCastle collective agreement.)

Secondly - recognition of a new union local being 2505 C.U.P.E. representing the police of the Towns of Caraquet, Tracadie and Shippagan.

Thirdly - a meeting between the Chief and his force to explain themselves.

Town Council met on the evening of April 15th and offered in writing to the employees of Local 1470 (Shippagan) C.U.P.E. the following; 3.2 per cent increase retroactive to January 1, 1981. On June 1, 1981 an increase of 8% provided for in the present collective agreement plus an additional 3.8 per cent increase. This is considered as final to the expiration of the present agreement on May 31, 1982. The offer was made subject to two conditions, first that the five police officers obey immediately to the injunction ordering them back to work and secondly that the employees of Local 1470 (Shippagan) C.U.P.E. decide which local they belong to.

If these conditions were not met council would let the courts decide of the consequences.

Dated at Shippagan, N.B. this 24th day of April 1981.

Fernand Robichaud,
Town Administrator.

APPENDIX "F"

- 17 -

4. TRAINING

To train and produce professional officers, a police department must develop and maintain a structured training program for all members. All training must be based on established operating and upgrading needs. The purpose of operational training is to provide officers with the knowledge, skills and experience required to work efficiently, whereas upgrading training prepares department members to assume new responsibilities. The success of any police department depends to a large extent on its ability to recruit, train and keep within its ranks highly qualified people. The chief of police is in the best position to decide on the best training possible for the members of his department. If a police department does have not a complete, ongoing training program, it will quickly lose touch with modern police technology and law enforcement. It is important for police officers to keep up to date on progress in crime detection techniques, new legislation and modern investigative procedures.

If the police is to be able to make an effective attack on current criminal practices and gain a better understanding of social change and needs, officers must receive not only technical training, but also training in social sciences, behaviour and communication. In order to help police officers to understand better their professional role and prepare them to take appropriate action to resolve law enforcement problems in their community, the chief of police must, together with the municipal council, establish an ongoing training program. As a general rule, the efficiency and professionalism of police departments are proportional to the amount and intensity of training provided to members, especially in the area of supervision. Judging from the very limited number of in-house training courses already taken by department members, it seems that the chief of police and the municipal council do not consider this a major priority. We believe that the past participation of department members in in-house training sessions leaves much to be desired, and that the chief and municipal council should pay more attention to this in the future.

APPENDIX "G"
SHIPPAGAN POLICE FORCE
1988 STATISTICS

MUNICIPAL BY-LAWS (Parking tickets)

Sgt. Clarence Mallet	5
Cpl. Jean-Marc Mallet	6
Cst. Albert Goupil	26
Cst. Raymond Jean	16
Cst. Sylvain Hébert	29
Chief Maynard Roy	38

Total as of August 31, 1988 116

MOTOR VEHICLE ACT

Sgt. Clarence Mallet	17
Cpl. Jean-Marc Mallet	39
Cst. Albert Goupil	4
Cst. Raymond Jean	8
Cst. Sylvain Hébert	16
Cst. Nicolas Doiron	34
Chief Maynard Roy	6

(02-06-88 to 31-08-88)

Total as of August 31, 1988 124

LIQUOR CONTROL ACT

Sgt. Clarence Mallet	3
Cpl. Jean-Marc Mallet	5
Cst. Albert Goupil	1
Cst. Raymond Jean	3
Cst. Sylvain Hébert	4
Cst. Nicolas Doiron	3
Chief Maynard Roy	2

Total as of August 31, 1988 21

C.C.C. (BREATHALYZER)

Sgt. Clarence Mallet
Cpl. Jean-Marc Mallet
Cst. Albert Goupil
Cst. Raymond Jean
Cst. Sylvain Hébert
Cst. Nicolas Doiron
Chief Maynard Roy

Total as of August 31, 1988 8

C.C.C (REFUSED BREATHALYZER)

Sgt. Clarence Mallet
Cpl. Jean-Marc Mallet
Cst. Albert Goupil
Cst. Raymond Jean
Cst. Sylvain Hébert
Cst. Nicolas Doiron
Chief Maynard Roy

Total as of August 31, 1988 7

DRIVING A VEHICLE WHILE SUSPENDED

Total as of August 31, 1988 2

FAILURE TO REPORT AN ACCIDENT 1

DANGEROUS DRIVING 1

MUNICIPAL BY-LAW (DOG TAX) 2

CAR ACCIDENTS (UNDER \$400) 91

CAR ACCIDENTS (OVER \$400) 65

CAR ACCIDENTS (INJURIES) 8

CAR THEFT 3

THEFT (OTHER) 78

DISTURBING THE PEACE 17

CHEQUE FRAUD 9

OTHER FRAUD 2

POSSESSION OF STOLEN GOODS 2

PROPERTY DAMAGE 49

OTHER CRIMINAL CODE OFFENCES 24

YOUNG OFFENDERS ACT 0

LOST AND FOUND 11

PUBLIC ASSISTANCE

Sgt. Clarence Mallet 51
Cpl. Jean-Marc Mallet 81
Cst. Albert Goupil 18
Cst. Raymond Jean 92
Cst. Sylvain Hébert 125
Cst. Nicolas Doiron 110
Chief Maynard Roy 142

Total as of August 31, 1988 619

SHIPPAGAN POLICE FORCE

1987 STATISTICS

MUNICIPAL BY-LAWS (Parking tickets)

Sgt. Clarence Mallet	3	
Cpl. Jean-Marc Mallet	14	
Cst. Albert Goupil	31	
Cst. Raymond Jean	22	
Cst. Sylvain Hébert	10	
Cst. Carl Haché	17	
Chief Maynard Roy	43	
Total as of December 31, 1987	148	(8 unreported)

MOTOR VEHICLE ACT

Sgt. Clarence Mallet	65	
Cpl. Jean-Marc Mallet	62	
Cst. Albert Goupil	49	
Cst. Raymond Jean	20	
Cst. Sylvain Hébert	36	
Cst. Carl Haché	61	(15-02 to 09-04) (01-07 to 10-09)
Total as of December 31, 1987	293	

LIQUOR CONTROL ACT

Sgt. Clarence Mallet	11
Cpl. Jean-Marc Mallet	11
Cst. Albert Goupil	12
Cst. Raymond Jean	3
Cst. Sylvain Hébert	21
Cst. Carl Haché	15
Chief Maynard Roy	6
Total as of December 31, 1987	79

C.C.C. (BREATHALYZER)

Sgt. Clarence Mallet	
Cpl. Jean-Marc Mallet	
Cst. Albert Goupil	
Cst. Raymond Jean	
Cst. Sylvain Hébert	
Chief Maynard Roy	
Total as of December 31, 1987	47

C.C.C (REFUSED BREATHALYZER)

Sgt. Clarence Mallet
Cpl. Jean-Marc Mallet
Cst. Albert Goupil
Cst. Raymond Jean
Cst. Sylvain Hébert
Chief Maynard Roy

Total as of December 31, 1987 12

DRIVING A VEHICLE WHILE SUSPENDED

Total as of December 31, 1987 11

FAILURE TO REPORT AN ACCIDENT 2

Total as of December 31, 1987 2

DANGEROUS DRIVING 0

Total as of December 31, 1987

MUNICIPAL BY-LAW (DOG TAX)

CAR ACCIDENTS (UNDER \$400) 149

CAR ACCIDENTS (OVER \$400) 70

CAR ACCIDENTS (INJURIES) 11

BREAK AND ENTER 39

CAR THEFT 13

SHOPLIFTING 21

THEFT (OTHER) 93

DISTURBING THE PEACE 30

CHEQUE FRAUD 12

OTHER FRAUD 1

OBSTRUCTING A POLICE OFFICER 5

POSSESSION OF STOLEN GOODS 8

PROPERTY DAMAGE 73

DRUGS 13

OTHER CRIMINAL CODE OFFENCES 31

YOUNG OFFENDERS ACT 8

LOST AND FOUND 25

PUBLIC ASSISTANCE (complaints, calls) 890